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DE RUEHJA #5853 1291052

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P 091052Z MAY 06
FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC PRIORITY 3940
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS
RUEHBY/AMEMBASSY CANBERRA 9420
RUEHTC/AMEMBASSY THE HAGUE 3187
RUEHWL/AMEMBASSY WELLINGTON 0801
RHHMUNA/USCINCPAC HONOLULU HI

C O N F I D E N T I A L JAKARTA 005853

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E.O. 12958: DECL: 05/09/2016

TAGS: [PREF](#) [PHUM](#) [PGOV](#) [KJUS](#) [CVIS](#) [EAD](#) [ID](#) [BM](#)
SUBJECT: UNHCR TO ADJUDICATE BURMESE CASES

REF: JAKARTA 05484

Classified By: Political Officer Lissa McAtee, reason 1.4 (B) AND (D).

¶1. (C) Shinji Kubo, Head of Protective Services at the United Nations High Commission for Refugees told us that UNHCR struck a confidential "gentlemen's agreement" on May 9 with the Immigration office in Jakarta and the head of Immigration in Aceh, to transfer the 77 Burmese refugees currently being held in Sabang, Aceh to Medan (reftel). UNHCR will assist with the logistics of the transfer, which Kubo estimated would take several days. Once the transfer is complete, the government of Indonesia (GOI) will give UNHCR the opportunity to interview and adjudicate the claims of the refugees in Medan.

¶2. (C) The refugees have yet to make a claim for asylum and thus far have only expressed their desire to go to Malaysia; however, language barriers and lack of awareness of their options may be reasons for this. Kubo has previously intimated to us (reftel) that the Burmese would qualify for asylum should they apply for it. However, if they do not apply for asylum, or do not qualify for some reason, UNHCR will turn them back over to the GOI. Based on past record, refugees turned over to the GOI typically linger in detention, disappear into the general population, or receive funding from their respective embassy to return to their home country.

¶3. (C) Kubo emphasized the political pressure that the government of Indonesia (GOI) is under regarding this case (reftel) and asked that UNHCR's agreement with the GOI be kept under wraps. He also lobbied us for financial assistance in feeding the 77 refugees while they are in detention in Medan. Kubo said that they have twice as many people to feed as their budget allows for and International Organization for Migration (IOM) and the Australian Embassy have already denied UNHCR assistance. He warned that if UNHCR, with the help of "key countries", cannot financially support the refugees, the GOI may be more inclined in future similar cases to opt for deportation.

¶4. (SBU) We raised this Burmese case with the Foreign Ministry on May 2. Johnny Sinaga, desk officer at the Department for Human Rights, Social and Cultural Affairs, assured us that the GOI viewed this as a humanitarian, not a political, issue and the views/findings of UNHCR would be considered. While the Foreign Ministry views were not authoritative, we did not receive any indication that Indonesia might forcibly return the 77 to Burma.

¶5. (C) Please advise on how to reply to Kubo's request for financial assistance.

PASCOE